

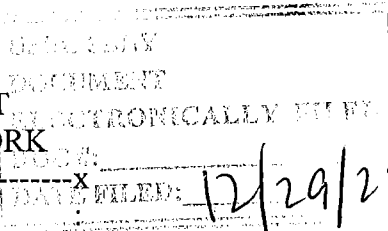
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

TRACEY MOOD,

Defendant.



ORDER

19 CR 113 (VB)

12/29/22
Copies
Chambers
ccetti DH

On December 27, 2022, the Court received and docketed defendant Tracey Mood's "successive motion for compassionate release," pursuant to 18 U.S.C. § 3582(c)(1)(A)(i).

The government is directed to submit a response to the motion by January 19, 2023. The government's response shall include defendant's prison medical records, which may be filed under seal.

If defendant wishes to file a reply to the government's submission, he shall do so by no later than February 2, 2023.

Defendant has also requested appointment of counsel, which is denied as unwarranted. "[A] defendant filing a compassionate release motion [under 18 U.S.C. § 3582(c)(1)(A)] . . . has no constitutional or statutory right to the assistance of counsel." United States v. Fleming, 5 F.4th 189, 192 (2d Cir. 2021). "The appointment of [Criminal Justice Act] counsel at this stage rests in the court's sole discretion." Id. at 194 n.4. Here, defendant has submitted a detailed motion, including attachments, and the issues presented by the motion are not complex. Accordingly, the Court sees no reason to appoint counsel at this time.

Chambers will mail a copy of this Order to defendant at the following address:

Tracey Mood, Reg. No. 86057-054
FCI Schuylkill
Federal Correctional Institution
P.O. Box 759
Minersville, PA 17954

Dated: December 29, 2022
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read "Vincent L. Briccetti".

Vincent L. Briccetti
United States District Judge